

5123:2-1-09

Family ~~resource~~ support services.

(A) Purpose. This rule establishes guidelines for the implementation of a family ~~resource~~ support services program through a county board of mental retardation and developmental disabilities. A family ~~resource~~ support services program assists a family who keeps at home a family member ~~who has~~ with mental retardation and/or a developmental disability. The program promotes the unity of the family by assisting it to meet the special needs of the individual ~~who has~~ with mental retardation and/or a developmental disability. It also assists the individual to maximize self-sufficiency and prevent inappropriate institutionalization. The objectives of the family ~~resource~~ support services program are:

- (1) To enable individuals ~~who have~~ with mental retardation and/or developmental disabilities to return to their families from developmental centers which are under the managing responsibility of the department;
- (2) To enable individuals found to be subject to institutionalization by court order under section 5123.76 of the Revised Code to remain with their families with the aid of reimbursable services; and
- (3) To provide reimbursable services to families of eligible children and adults living at home who may or may not be currently receiving services from the county board.
- (4) To further the unity of the family by enabling the family to meet the special needs of the individual and to live as much like other families as possible.

(B) Applicability. This rule does not apply to family support services that are funded under the state medicaid plan as either home and community-based services or habilitation center services.

~~(B)~~(C) As part of the county board's overall philosophy, each county board shall have a written philosophy for the family ~~resource~~ support services program which shall include, but not be limited to, the following premises:

- (1) All individuals ~~who have~~ with mental retardation and/or developmental disabilities have a right to live in a stable home, enjoy membership in a family, have access to the array and quantity of supports needed to enable them to participate in the life of their communities to the degree they choose, and experience enduring ~~relationship~~ relationships with brothers, sisters, other family members, and friends committed to their welfare.
- (2) Reimbursable service and supports through the family ~~resource~~ support services program shall be tailored to the unique needs of individuals with mental

retardation or other developmental disabilities and their families and shall be defined in accordance with section 5126.11 of the Revised Code and this rule.

(3) Family support ~~systems~~ services should:

- (a) Seek and nurture partnerships between family members, other supportive people, and the professionals who serve both these individuals and their families;
- (b) Build on the unique strengths and characteristics of each family;
- (c) Utilize the resources in each family's social network and home community; and
- (d) Respect the beliefs, values and structures of each family.

~~(C)~~(D) Family eligibility. "Family," as stated in this rule, means parent(s), brother(s), sister(s), spouse(s), son(s), daughter(s), grandparent(s), aunt(s), uncle(s), cousin(s), or guardian(s) of the individual ~~who has~~ with mental retardation or developmental disabilities and includes the individual with mental retardation or developmental disabilities. "Family" also means person(s) acting in a role similar to those specified in this paragraph even though no legal or blood relationship exists if the individual ~~who has~~ with mental retardation or developmental disabilities lives with the person(s) and is dependent on ~~him~~ the person to the extent that if the supports were withdrawn another living arrangement would have to be found. The person(s) shall verify the relationship by signature.

- (1) Planned service. A family shall be eligible for reimbursement of family ~~resources~~ support services if it includes a family member who resides at home and has been determined eligible for the county board according to section 5126.01 of the Revised Code.
- (2) Emergency services. The following families shall be considered eligible for reimbursement according to the county board policy on emergencies in accordance with section ~~5126.052~~ 5126.042 of the Revised Code.
 - (a) A family that includes an individual living at home who is eligible for ~~the~~ services from county board according to section 5126.01 of the Revised Code; and
 - (b) Other families that include an individual living at home ~~who has~~ with mental retardation and/or a developmental disability who is not

receiving services from the county board but is determined by the superintendent or designee of the county board as eligible for family resource support services.

- (3) If resources are not available, the county board shall place the family on a waiting list for family resource support services in accordance with rule 5123:2-1-08 of the Administrative Code.

~~(D)~~(E) Request process

- (1) The request for services shall be initiated by a family. The family's request for family resource support services shall be honored if funds and services are available and consistent with the family resource support services section of the county board's plan as outlined in paragraph ~~(F)~~ (G) of this rule and the written philosophy in paragraph ~~(B)~~ (C) of this rule and if the requirements of this rule and section 5126.11 of the Revised Code are met. The county board shall work with the family to obtain supports and services. At the family's request, the county board shall assist families in developing individual plans and strategies for family supports. Family resource support services shall be considered a component of the individual planning process ~~as referenced in rule 5123:2-1-02 of the Administrative Code~~ in accordance with rules adopted by the department.
- (a) Family resource support services may be provided in a county other than the one in which the reimbursing county board is located. The reimbursing county board is responsible for determining that providers meet the requirements of this rule.
- (b) Family resource support services may be provided by agencies or persons other than the county board including, but not limited to, generic agencies or service providers in the community.
- (c) The county board may contract with another agency to administer all or a portion of the family resource support services program. The county board shall ensure that any contract agency administering family resource support services adheres to the administrative rules governing the program.
- (2) The family may request a list of certified respite care providers from the county board before deciding on a provider, or the family may recommend a provider to the county board.

- (3) To be assured of reimbursement, the family shall obtain the estimated cost and prior approval of the expenditure from the county board before agreeing to services or signing a contract with a provider.
- (4) The county board shall ~~provide response~~ respond to an eligible family's request for reimbursement within seven working days after receiving the request. The request shall be reviewed based only on the following criteria:
- (a) The family is eligible according to paragraph ~~(C)~~ (D) of this rule;
 - (b) Funds are available according to the county board's plan and administrative procedures; ~~and~~
 - (c) The requested service is directly related to improving the living environment or facilitating the care of the individual ~~who has~~ with mental retardation and/or a developmental disability; ~~and~~
 - (d) Compliance with the requirements of this rule and section 5126.11 of the Revised Code.
- (5) Payments may be made for the following services:
- (a) Respite care, in or out of the home;
 - (b) Counseling, supervision, training and education of the individual, the individual's caregivers, and members of the individual's family that aid the family in providing proper care for the individual, provide for the special needs of the family, and assist in all aspects of the individual's daily living;
 - (c) Special diets, purchase or lease of special equipment or modifications of the home, if such diets, equipment, or modifications are necessary to improve or facilitate the care and living environment of the individual;
 - (d) Providing support necessary for the individual's continued skill development, including such services as development of interventions to cope with unique problems that may occur within the complexity of the family, enrollment of the individual in special summer programs, provision of appropriate leisure activities, and other social skills development activities;
 - (e) Any other services that are consistent with the purposes specified in paragraph (A) of this rule and specified in the individual's service plan.

~~(5)~~(6) Reimbursement/payment for services shall be made by the county board using one of the following procedures:

- (a) Upon approval of the request for family ~~resource~~ support services, the county board shall give the family a voucher in the amount of the approved service provider payment. The family shall present the voucher and the family's share of the cost of the service to the provider when the service has been received or at such time as mutually agreed. The provider shall redeem the voucher through the county board. The county board shall redeem the voucher within forty-five days after the provider submits it; or
- (b) Upon approval of the request for family ~~resource~~ support services, the county board shall give the family a written statement of the amount of approved reimbursement. The family shall present a receipt for approved incurred cost to the county board. The county board shall reimburse the family within forty-five days after the family submits the receipt; or
- (c) The county board may develop a reimbursement/service provider payment system that meets county auditor requirements and is responsive to family needs.

~~(6)~~(7) At the time of initial application, the family ~~resource~~ support services coordinator shall inform the family of their informal complaint resolution and due process rights under rule ~~5123:2-1-02~~ 5123:2-1-12 of the Administrative Code. This information shall be presented in the native language of the family or other mode of communication used by the family unless it is clearly not feasible.

~~(E)~~(F) Reimbursement

- (1) Maximum annual reimbursement. The maximum annual reimbursement to each family shall be determined through the family ~~resource~~ support services component of the county board's annual plan. The plan shall allow for flexibility in tailoring the level of reimbursement to the unique needs of families.
- (2) Copayment schedule
 - (a) The copayment schedule for a family shall be based on the family's taxable income as certified by ~~their~~ signature. Income shall be based on

the federal taxable income (after applicable deductions). The individual and/or family shall be responsible for reporting any changes in income.

- (b) The board may consider extenuating circumstances in the determination of copayment.
- (c) ~~The department shall establish an income schedule which shall be updated periodically by the department and shall be disseminated to the county board at the beginning of each fiscal year. In no case shall the base be higher than seventy five per cent of the state median income for a family of four. The percentage of each family support service that the family pays shall be determined according to the following income schedule:~~

Income Schedule

<u>Income</u>	<u>Percentage of Contribution</u>
<u>\$27,258 or less</u>	<u>0%</u>
<u>\$27,259 - \$37,759</u>	<u>10%</u>
<u>\$37,760 - \$48,260</u>	<u>30%</u>
<u>\$48,261 - \$62,261</u>	<u>50%</u>
<u>\$62,262 - \$79,762</u>	<u>75%</u>
<u>\$79,763 and over</u>	<u>100%</u>

~~(F)~~(G) Planning process

- (1) The family ~~resource~~ support services component of the county board's annual plan shall include, but not be limited to:
 - (a) The procedures for, and the results of, the assessment of the family ~~resource~~ support services funding needs of the families of residents of the county ~~who have~~ with mental retardation and/or a developmental disability.
 - (i) The number of eligible families projected to need family ~~resource~~ support services funding;
 - (ii) The amount of family ~~resource~~ support services funds available to

each family for the year addressed in the plan; and

- (iii) The number of eligible families currently receiving family ~~resource~~ support services funds.
- (b) The projected number of families to be served each year.
- (c) Prioritization of funding, with corresponding justification, shall include:
- (i) Comprehensive family ~~resource~~ support services funding to relatively few families who have extensive needs;
 - (ii) Limited family ~~resource~~ support services funding to a broad base of families.
- (d) Collaborative county board linkage with needed programs or services from other community agencies.
- (e) The commitment of funds to the family ~~resource~~ support services program.
- (f) The projected amount and percentage of the county board's allocation of state funds to be used for routine services and the amount and percentage to be used for emergencies shall be determined through the county board planning process. The percentage to be used for emergencies shall not exceed twenty-five per cent of the total dollar amount committed to the family ~~resource~~ support services program.
- (g) The organizational structure for implementing the family ~~resource~~ support services program.
- (h) An evaluation of the family ~~resource~~ support services program annually on the basis of data collected from the ~~people~~ individuals served, families and providers and the direct monitoring of providers.
- (i) A description of the procedures and schedule of events used to make families and other agencies in the community aware of the family ~~resource~~ support services program and planning process.
- (2) County board administrative procedures. The county board shall have ~~written~~ procedures for:

- (a) Identifying other resources that the family could use to pay for the family ~~resourcee~~ support services.
- (b) Determining that the family has exhausted all other sources.
- (c) Identifying and developing providers.
- (d) Certifying the individual respite provider or administering agency when applicable. In certifying the provider, the county board shall use standards which include those in paragraph ~~(G)~~ (H) of this rule.
- (e) Direct monitoring of county board certified providers.
- (f) Reimbursing families for services:
 - (i) Estimating the amount of funds needed to reimburse families between regular meetings of the county board, encumbering those funds and authorizing expenditures;
 - (ii) Reimbursing families in a timely manner, no later than forty-five days after the family has notified the county board that the expense has been incurred; and
 - (iii) Redeeming vouchers for providers within forty-five days after the county board receives them.
- (g) Maintaining a list of certified respite care providers as a guide to families. The list shall include available respite beds in community facilities that are funded according to section 5123.18 of the Revised Code or Title XIX of the Social Security Act, if the department provides that information to the county board.
- (h) Assuring that no reimbursement is made on behalf of an individual who is living in a residential facility that is providing services that are funded according to section 5123.18 of the Revised Code or Title XIX of the Social Security Act or by a county board.
- (i) Assuring that funds appropriated for the family ~~resourcee~~ support services program and allocated to the county board for this purpose shall not be used to reimburse families for respite care or other family ~~resourcee~~

support services that are provided in a bed in a facility if that bed is funded according to section 5123.18 of the Revised Code or Title XIX of the Social Security Act.

(3) Additional provisions applicable to county boards

- (a) No more than seven per cent of the county board's allocation may be used for the administrative cost of the county board.
- (b) The county board shall not be required to make reimbursements at a level of funding that exceeds available state and federal funds for this purpose.
- (c) The county board shall not use funds allocated for family ~~resource~~ support services to replace existing locally funded programs other than family ~~resource~~ support services or for any purpose other than family ~~resource~~ support services.
- (d) The county board may support the family ~~resource~~ support services with additional locally generated funds.
- (e) The county board may use the funds allocated for the family ~~resource~~ support services program as match for appropriate federal funds. When family ~~resource~~ support services is used to match federal funds, no copayment will be assessed to families for services provided through those federal funds.

(4) Standards for supervision. The county board shall supervise the family ~~resource~~ support services program and shall be responsible for the following:

- (a) The approval of services and costs prior to the provision of services; and
- (b) The enforcement of ceilings on reimbursement to a family based on income.

~~(G)~~(H) Certification of respite providers

- (1) Family selected respite providers. Respite providers selected by families need not be county board certified. When using a family selected provider, the family shall sign an assurance assuming responsibility that the health and safety needs of the individual will be met and that no liability shall be

incurred by the county board.

(2) Non-family selected respite providers. The county board shall maintain a list of trained and certified respite providers.

(a) Board certified respite providers shall receive up to forty hours of training which shall include but not be limited to:

(i) Practicum (supervised);

(ii) Time spent with individuals with mental retardation and/or developmental disabilities and their families;

(iii) CPR; and

(iv) First aid.

(b) This training may be waived by the superintendent or designee if the provider has experience with ~~persons~~ individuals with mental retardation and/or developmental disabilities. Respite providers that are board certified prior to ~~the effective date of this rule~~ September 18, 1992 shall continue to be certified.

(c) The county board shall perform a criminal background check on all non-family selected, certified respite providers.

(d) County board certified providers of out-of-home respite shall be subject to the provisions of rule 5123:2-12-01 ("Supported Living Quality Assurance Standards") of the Administrative Code as follows to promote conditions that consider the health and safety of the individual:

(i) Housing. The individual has housing that meets local requirements for residential homes, is secure, and has adequate heating, water, and electricity. The individual has the basic furnishings necessary for daily living including, but not limited to, a bed, chairs, table, kitchen facilities, and lighting.

(ii) Health. The individual's health is maintained through adequate hygiene, nutrition, exercise, safe behavior, medical and dental monitoring, and appropriate medications when needed. The individual receives prompt and up-to-date treatment for physical

problems.

(iii) Safety. Potential dangers in the environment are minimized. The individual has access to prompt and appropriate emergency services, when needed, such as police, fire department, ambulance, and crisis line.

(iv) Major unusual incidents shall be reported in compliance with ~~department rules~~ rule 5123:2-17-02 of the Administrative Code.

(e) The county board shall assure quality control of the county board certified providers of respite through:

(i) An initial on-site visit before providing certification of out-of-home respite providers.

(ii) A periodic on-site visit at least annually to each out-of-home provider in the county by county board personnel.

(iii) Structured, written feedback from a significant sample of respite sessions completed by the family and the county board certified respite provider. The sample shall include the first respite session by each newly certified provider.

(3) The family, provider, and any applicable agency shall plan the continuation of school, workshops, or other habilitation programs during respite care.

~~(H)~~(I) County board reports and evaluation

~~The~~ Upon the department's request, the county board shall submit in a format specified by the department written ~~semi-annual~~ reports ~~(a status report and final report)~~ to the department on forms provided by the department related to the family support services program. ~~Beginning in 1993, the status report shall be submitted by fifteenth of April of each year, and the final report by the fifteenth of August of each year.~~

~~(H)~~(J) Department responsibilities

(1) The department shall allocate funds to the county boards operating under this rule as follows:

- (a) To receive the annual family ~~resource~~ support services allocation, the county board shall submit reports required under paragraph ~~(H)~~ (I) of this rule.

- (b) Allocation shall be determined according to a formula established by the department and reviewed and disseminated annually to the county board at the beginning of each fiscal year. The allocation of family support services funds to county boards is based according to a formula based equally on the following three factors:
 - (i) The number of enrollees in the county board programs;
 - (ii) The population of the county; and
 - (iii) The number of people in the county whose income falls below the poverty level as determined by the Ohio department of job and family services.

- (2) As part of the department's annual report, the status of the family ~~resource~~ support services program shall be included.

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